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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,435	11/09/2001	Brian Edward Cowper	MA83-002	5943

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EXAMINER

KYLE, MICHAEL J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,435

Applicant(s)

COWPER, BRIAN EDWARD

Examiner

Michael J Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-62 is/are pending in the application.
- 4a) Of the above claim(s) 51-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 32-42 and 50 is/are rejected.
- 7) ☒ Claim(s) 43-49 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.
2. This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.
3. In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 31-50, drawn to a lock where blocking means prevent operation of an operating member.

Group II, claim(s) 51-62, drawn to a lock for wing with a pivoting operating member to retract a bolt, a pivoting locking member to deadlock the bolt, and an element providing at least parts of bearing surfaces for a pivot of the operating member or of the locking member.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Claims in Group I are directed primarily toward blocking means preventing or enabling the use of the operating member, while claims in Group II are directed primarily toward the pivoting operating member used to retract the bolt, a pivoting locking member to deadlock the bolt, and an element providing a bearing surface for pivoting of the operating member or locking member.

4. During a telephone conversation with Deepak Malhotra on October 28, 2002, a provisional election was made without traverse to prosecute the invention of Group I, claims 31-50. Affirmation of this election must be made by applicant in replying to this Office action.

Claims 51-62 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Objections

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5. Claim 45 is objected to because line 1 reads "wherein at its other end". It is not clear what mechanism "its" refers to.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 40 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 40 recites the limitation "the handle" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests changing this to --the pivotable handle--.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 32-34 and 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Morgan (U.S. Patent No. 4,064,721). Morgan discloses a lock for wing movable between respective open and closed positions relative to a frame comprising a casing, a bolt (9) operable to extend from or retract into the casing, and operating member (15) arranged to be operable at one side of

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the wing, in use, to effect retraction of the bolt, lock means (40) arranged, in use, for key operation at the other side of the wing, and blocking means (26, 27) operable, in use, to prevent operation of the operating member to retract the bolt.

9. With respect to claims 33 and 34, Morgan discloses the blocking means (26, 27) being de-actuated from both sides of the wing and that the blocking means (26, 27) are operable from both sides of the wing to prevent operation of the operating member to retract the bolt (9).

10. With respect to claim 50, Morgan discloses the key operation of the lock means retracts the bolt (9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 32 and 35-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (U.S. Patent No. 3,871,198) in view of Wildenradt (U.S. Patent No. 4,709,566). Miller discloses a lock for wing movable between respective open and closed positions relative to a frame comprising a casing, a bolt (92) operable to extend from or retract into the casing, and operating member (62) arranged to be operable at one side of the wing, in use, to effect retraction of the bolt, and blocking means (68) operable, in use, to prevent operation of the operating member to retract the bolt. Miller does not disclose lock means (40) arranged, in use, for key operation at the other side of the wing.

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Wildenradt teaches lock means (38) arranged, in use, for key operation at the other side of the wing (12) in order to provided locking and unlocking access to the bolt from both sides of the wing. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller as taught by Wildenradt in order to provided locking and unlocking access to the bolt from both sides of the wing.

12. With respect to claims 35 and 36, Miller discloses the blocking means (68) are operable from the one side only of the wing to prevent operation of the operating member (62) to retract the bolt (92). Miller also discloses the blocking means (68) are operable to prevent operation of the operating member (62) to retract the bolt (92) by key operable lock means (72) at the one side of the wing.

13. With respect to claims 37 and 38, Miller discloses the key operable lock means (72) are operable at the one side of the wing to de-actuate the blocking means (68) and that the blocking means (68) is an angularly movable cam.

14. With respect to claims 39-41, Miller discloses the operating member (62) is a pivotable handle having a projecting surface (58) which engages the cam (68) when the blocking means (68) are operated and an attempt is made to pivot the handle (62), and the cam is on a member (74) arranged limited angular movement by operation of the key operable lock means at the one side of the wing.

15. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller in view of Wildenradt as applied to claim 41 above, and in further view of Uyeda (U.S. Patent No. 5,113,675). Miller and Wildenradt recite all of the limitations of claim 41 above, but neither discloses or teaches an angularly movable plug of the lock means at the one side of the wing to

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have a part received in recess at one end of the member with lost motion between the plug and the member.

Uyeda teaches a lost motion connection (50) in lock in order to allow the key cylinder to be rotated without affecting the position of the bolt. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller and Wildenradt as taught by Uyeda in order to allow the key to be rotated without affecting the position of the bolt.

Allowable Subject Matter

16. Claims 43-49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. The following references are cited to further show the state of the art with respect to key actuated operating member blocking devices: Orr, Johns et al., Hart, Hart et al., and Fitzgerald et al.


18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 703-305-3614. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

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19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

20. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

mk
November 15, 2002


Anthony Knight
Supervisory Patent Examiner
Tech Center 3600